



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,335	02/21/2006	Manfred Jungen	2003CH007	3143
25255 7590 12/28/2006 CLARIANT CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 4000 MONROE ROAD CHARLOTTE, NC 28205			EXAMINER NGUYEN, KHANH TUAN	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/28/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/569,335

Applicant(s)

JUNGEN, MANFRED

Examiner

Khanh T. Nguyen

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The preliminary amendment filed on 02/21/2006 is entered. Claims 1-27 are currently pending.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 12/04/2006 has been regarded by Examiner and made of record in the application file.

#### ***Election/Restrictions***

4. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-14, drawn to an aqueous mixture.

Group II, claim(s) 15, drawn to a process for pretreatment with peroxide.

Art Unit: 1751

Group III, claim(s) 16-27, drawn to a process for cellulosic or cellulosic-synthetic fiber blend pretreatment.

5. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I does not require the step of heating as those recited in Group II and III. Group II does not require the substrate to be of cellulosic or cellulosic-synthetic fiber blend.

6. During a telephone conversation with the applicant's representative Tod Waldrop on November 29, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1751

7. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Traber et al (U.S Pat. 6,200,948 hereinafter, "Traber").

Regarding claim 1, Traber discloses an aqueous mixture comprising: A) at least one alkoxylate of the formulation (I)  $R_1O-(CH_2-CHR_2-O)_n-CH_2-CH_2-OH$  (nonionic surfactant formula) or its phosphoric ester, wherein  $R_1$  is a linear or branched C6-C19-alkyl radical,  $R_2$  is hydrogen, methyl or ethyl, and  $n$  has an average value of 3 to 11; B) at least one compound selected from the group consisting of a hydroxyl carboxylic acid (chelating or sequestering agent) in simple form, a polyoligo hydroxyl carboxylic acid or a salt of a hydroxyl carboxylic acid in simple form, a salt of a polyoligo hydroxyl carboxylic acid, a polyacrylate, a phosphonate, a polyacrylate salt, a phosphonate salt and mixtures thereof; C) an aromatic sulphonation, sulphination or sulphation product or salts thereof (i.e. hydrotropic agent); and D) an alkaline earth metal salt (i.e. magnesium salt). (Col. 1, lines 6-65) The reference specifically or inherently meets each of the instant limitations.

Regarding claim 2, Traber further discloses an aqueous mixture according to claim 1, wherein  $R_1$  is a linear or branched C8-C15-alkyl radical,  $R_2$  is hydrogen or methyl, and  $n$  has an average value of 5 to 9; B) is citric acid (Col. 4, line 38), sodium gluconate (chelating or sequestering agent), an alpha- hydroxyl polyacrylate, ATMP, HEDP, DTPMPA, EDTMPA, PBTC, salts of these phosphonates or mixture thereof; C) is cumenesulphonic acid, naphthalenesulphonic acid (i.e. hydrotropic additive), an alkali

Art Unit: 1751

metal salt of cumenesulphonic acid, an alkali metal salt of naphthalenesulphonic acid, an ammonium salt of cumenesulphonic acid, an ammonium salt of naphthalenesulphonic acid; and D) is magnesium chloride, magnesium sulphate (i.e. magnesium salt), calcium chloride or calcium sulphate. (Col. 1, lines 6-65)

Regarding claim 3, Traber further discloses an aqueous mixture according to claim 1, wherein R1 is a linear or branched C12-C15-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 6 or 7; B) is citric acid (Col. 4, line 38), sodium gluconate (sequestering agent), DTPMPA, or mixture thereof; C) is cumenesulphonic acid (i.e. hydrotropic agent), an alkali metal salt of cumenesulphonic acid, an ammonium salt of cumenesulphonic acid; and D) is magnesium chloride or magnesium sulphate (i.e. magnesium salt). (Col. 1, lines 6-65)

Regarding claim 4, Traber further discloses an aqueous mixture according to claim 3, wherein B) is citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent), C) is sodium cumenesulphonate (i.e. hydrotropic agent), and D) is magnesium chloride (i.e. magnesium salt). [(Col. 7, lines 35-67) and (Col. 8, lines 1-23)]

Regarding claim 5, Traber further discloses an aqueous mixture according to claim 1, comprising two different alkoxylates of the formulation (I), A1) and A2); A1) wherein R1 is a branched C6-C14-alkyl radical, R2 is hydrogen, methyl or ethyl, and n has an average value of 3 to 11; and A2) wherein R1 is a linear or branched C8-C19-

Art Unit: 1751

alkyl radical, R2 is hydrogen, methyl or ethyl, and n has an average value of 3 to 10.

[(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 6, Traber further discloses an aqueous mixture according to claim 5, wherein in A1) R1 is a branched C8-C12-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 5 to 9; and in A2) wherein R1 is a linear or branched C10-C17-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 4 to 8, and B) is citric acid (Col. 4, line 38), sodium gluconate (chelating or sequestering agent), an alpha- hydroxyl polyacrylate or ATMP, HEDP, DTPMPA, EDTMPA, PBTC or salts of these phosphonates or mixture thereof; C) is cumenesulphonic acid, naphthalenesulphonic acid (i.e. hydrotropic additive), an alkali metal salt of cumenesulphonic acid, an alkali metal salt of naphthalenesulphonic acid, an ammonium salt of cumenesulphonic acid, an ammonium salt of naphthalenesulphonic acid; and D) is magnesium chloride, magnesium sulphate (i.e. magnesium salt), calcium chloride or calcium sulphate. [(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 7, Traber further discloses an aqueous mixture according to claim 5, wherein A1) R1 is a branched C10-alkyl radical, R2 is hydrogen, and n has an average value of 7; and in A2) wherein R1 is a linear or branched C12-C15-alkyl radical, R2 is hydrogen, and n has an average value of 6; and B) is citric acid (Col. 4, line 38), sodium gluconate (sequestering agent), DTPMPA or mixture thereof; C) is

Art Unit: 1751

cumenesulphonic acid, an alkali metal salt of cumenesulphonic acid (sequestering agent), an ammonium salt of cumenesulphonic acid; and D) is magnesium chloride or magnesium sulphate (i.e. magnesium salt). [(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 8, Traber further discloses an aqueous mixture according to claim 5, wherein A1) is an alkoxylate of a linear or branched C10-alcohol or mixture thereof having on average 8 ethylene oxide units (moles) and 1 propylene oxide unit (moles); and A2) is an alkoxylate of a linear or branched C12-C15-alcohol having on average 7 ethylene oxide units (Moles); and B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and D) is magnesium chloride (i.e. magnesium salt). [(Col. 1, lines 6-65), (Col. 2, lines 4-67) and (Col.3, lines 1-11)]

Regarding claim 9, Traber further discloses an aqueous mixture according to claim 7, wherein B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and D) is magnesium chloride (i.e. magnesium salt). [(Col. 1, lines 6-65), (Col. 2, lines 4-10), (Col. 7, lines 35-67) and (Col. 8, lines 1-23)]

Regarding claim 10, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 1% to 40% by weight, said component B has a concentration of 1% to 20% by weight, said components C and D



Art Unit: 1751

each have a concentration of 0.1% to 10% by weight, based on the aqueous mixture.

(Col. 1, lines 6-65)

Regarding claim 11, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 7% to 20% by weight, said component B has a concentration of 2% to 10% by weight, said components C and D each have a concentration of 0.4% to 5% by weight, based on the aqueous mixture.

(Col. 1, lines 6-65)

Regarding claim 12, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 14% to 20% by weight, said component B has a concentration of 3% to 8% by weight, said components C and D each have a concentration of 0.6% to 2.5% by weight, based on the aqueous mixture.

(Col. 1, lines 6-65)

Regarding claim 13, Traber further discloses an aqueous mixture according to claim 1, further comprising a antifoaming agent (foaming-suppressing component) and a defoamer. [(Col.1, lines 66-67) and (Col. 2, lines 1-3)]

Regarding claim 14, Traber further discloses a textile pretreated with the aqueous mixture according to claim 1. (Col. 7, line 12-21)

Art Unit: 1751

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khanh T. Nguyen  
Examiner  
12/19/2006



Mark Kopec  
Primary Examiner